

1 **BEFORE THE ARIZONA STATE BOARD OF**
2 **MASSAGE THERAPY**

3 In the Matter of:

4 **FRANK LOZANO**

5 Holder of License No. **MT-16695**

BOARD CASE NOS. 16-129

6 For the Practice as a Massage Therapist
7 In the State of Arizona

DECISION AND ORDER

8 **RESPONDENT**

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10 On January 28, 2019, during a regularly scheduled board meeting, the Arizona State
11 Board of Massage Therapy ("Board") held an Administrative Hearing to hear evidence, testimony
12 and arguments regarding this case. Assistant Attorney General Michael Raine represented the
13 State. Frank Lozano ("Respondent") was not present. Assistant Attorney General, Mary DeLaat
14 Williams, of the Licensing and Enforcement Section of the Attorney General's Office, appeared,
15 in person, to provide independent legal advice to the Board. After hearing all of the evidence and
16 arguments presented by the parties, the Board issues the following Findings of Fact, Conclusions
of Law and Order:

17 **PARTIES AND JURISDICTION**

18 1. The Board is the duly constituted authority for licensing and regulating the
19 practice of massage therapy in the State of Arizona.

20 2. Respondent is the holder of license number MT-16695, which allows
21 Respondent to practice as a massage therapist in the State of Arizona.

22 3. Under A.R.S. § 32-4201, *et seq.*, the Board possess jurisdiction over the
23 subject matter and over Respondent as a licensee of the Board.

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FACTUAL ALLEGATIONS

1. On December 5, 2016, the Board conducted a formal hearing in case number 16-129 involving Respondent.

2. At the conclusion of the hearing, the Board found that Respondent had engaged in sexual activity with a client and voted to impose discipline against him.

3. On December 22, 2016, the Board issued its Order from the hearing (attached as Exhibit A to this Complaint), which imposed the following terms and conditions:

a. The Board placed Respondent's license on two years of probation;

b. The Board required that Respondent take twenty-four hours of additional continuing education within twelve months;

c. The Board required that Respondent appear before it to seek release from his probation.

4. Respondent failed to provide the Board with evidence that he had completed the twenty-four hours of continuing education within twelve months.

5. On August 20, 2018, the Board received a letter from Respondent wherein he acknowledged that as of that date, he had not taken any of his additional continuing education courses despite having continued to practice.

CONCLUSIONS OF LAW

1. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could harm the public).

2. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(23) (violating a Board order).

ORDER

Based on the Board's adoption of the Findings of Fact and Conclusions of Law, the Board issues its order **REVOKING** the Respondent's massage therapy license no. MT-16695.

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DATED this 8th day of February, 2019

By: Tom Augheron
Tom Augheron, Executive Director

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12 By:  _____